

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment and Natural Resources Division

LEIGH P. RENDÉ (PA 203452)  
Trial Attorney  
JOSEPH W.C. WARREN (DC 452913)  
Senior Counsel  
Environmental Enforcement Section  
U.S. Department of Justice  
P.O. Box 7611  
Washington DC 20044-7611  
Telephone: (202) 514-1461  
Facsimile: (202) 514-0097  
Email: leigh.rende@usdoj.gov  
joseph.warren@usdoj.gov

*Attorneys for Plaintiff United States of America*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: CHRYSLER-DODGE-JEEP  
“ECODIESEL” MARKETING, SALES  
PRACTICES, AND PRODUCTS  
LIABILITY LITIGATION

Case No: 3:17-MD-2777-EMC

**NOTICE REGARDING  
REPRESENTATION OF THE  
INTERESTS OF THE UNITED  
STATES OF AMERICA**

Hon. Edward M. Chen

**NOTICE  
REGARDING REPRESENTATION OF THE INTERESTS OF  
THE UNITED STATES OF AMERICA**

Plaintiff United States, acting on behalf of the U.S. Environmental Protection Agency (“EPA”), files this notice regarding representation of the interest of the United States in this matter and states its intent to coordinate with other plaintiffs, as well as with defendants, in conducting the pretrial stage of this litigation. In support of this notice, the United States states

as follows:

1. On April 14, 2017, the Court issued Pretrial Order No. 1 (Dkt. No. 6) stating, among other things, that the Court intends to appoint Plaintiffs’ Lead Counsel and a Plaintiffs’ Steering Committee (“PSC”) to conduct and coordinate the pretrial stage of this litigation with the defendants’ representatives or committee.

2. On June 8, 2017, the Judicial Panel on Multidistrict Litigation transferred to this Court *United States v. Fiat Chrysler Automobiles, N.V. et al*, Case No. 17-11633 (E.D. Mich.), for coordinated or consolidated pretrial proceedings in this multidistrict litigation (MDL). (Dkt. No. 154).

4. Under 28 U.S.C. §§ 516 and 519, neither Plaintiffs’ Lead Counsel nor the PSC may represent the interests of the United States in this litigation. Congress has mandated that, except as otherwise authorized by law, the “Attorney General shall supervise all litigation to which the United States . . . is a party,” and “officers of the Department of Justice, under the direction of the Attorney General,” shall be responsible for “the conduct of [such] litigation” and “securing evidence therefor.” *Id.* at §§ 516 and 519.

5. At present, no government entity other than the United States has joined this MDL. Counsel for the United States anticipate, where practicable, coordinating with representatives of states that have asserted an interest in this matter.<sup>1</sup> In the event that other government actions are consolidated with this MDL in the future, it may be appropriate for the Court to appoint a government coordinating counsel – a role that the Environmental Enforcement

---

<sup>1</sup> Attorney Leigh Rendé will serve as lead counsel for the United States for the purposes of coordinating with other government entities that have asserted an interest in this matter.

1 Section of the United States Department of Justice has filled in other MDLs.<sup>2</sup>

2 6. In the interim, the United States will attend the hearing on June 14, 2017 and will  
3 be ready to provide any assistance that the Court may request as it considers and selects lead  
4 counsel and a PSC for the private plaintiffs. The United States looks forward to joining with the  
5 court-appointed Lead Counsel and PSC in coordinating and conducting pretrial litigation with  
6 defendants' representatives or committee.  
7

8  
9 Dated: June 13, 2017

Respectfully submitted,

JEFFREY H. WOOD  
Acting Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

By:

/s/ Leigh P. Rendé

LEIGH P. RENDE

JOSEPH W.C. WARREN

EMILY C. POWERS

LESLIE ALLEN

ZACHARY N. MOOR

NIGEL B. COONEY

ANNA GRACE

Environmental Enforcement Section

Environment and Natural Resources Division

United States Department of Justice

P.O. Box 7611

Washington, D.C. 20044-7611

Telephone: (202) 514-1461

Facsimile: (202) 514-0097

leigh.rende@usdoj.gov

joseph.warren@usdoj.gov

*Counsel for the United States*

---

25  
26 <sup>2</sup> The Environmental Enforcement Section of the United States Department of Justice served as  
27 government coordinating counsel in two recent MDLs: *In Re: Oil Spill by the Oil Rig "Deep*  
28 *Water Horizon" in the Gulf of Mexico*, on April 20, 2010 (MDL No. 2179), and *In Re:*  
*Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation* (MDL  
No. 2672).

1 OF COUNSEL:  
2 Kathryn Pirrotta Caballero, Senior Attorney  
3 Caitlin Meisenbach, Attorney Advisor  
4 Office of Enforcement and Compliance Assurance  
5 U.S. Environmental Protection Agency  
6 1200 Pennsylvania Ave., NW  
7 Washington, DC 20460  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 **CERTIFICATE OF SERVICE**

2 In compliance with Civil Local Rule 5-5, I hereby certify that on June 13, 2017, a true  
3 and correct copy of the foregoing Notice Regarding Representation of the Interests of the United  
4 States of America was served electronically on all parties to this multidistrict litigation via the  
5 CM/ECF system. I further certify that I caused the foregoing to be sent via U.S. Mail to the non-  
6 CM/ECF participants identified on the Manual Service List below:  
7

8  
9 **Manual Service List:**

10 Andrew Sciolla  
11 Pogust Braslow & Millrood LLC  
12 161 Washington Street  
13 Suite 1520  
14 Conshohocken, PA 19428

James W. Anderson  
Heins Mills & Olson, P.L.C.  
310 Clifton Avenue  
Minneapolis, MN 55403

15 C. Morris Mullin  
16 Waldrep Mullin & Callahan LLC  
17 111 12th Street, Suite 300  
18 P.O. Box 351  
19 Columbus, GA 31902

K Stephen Jackson  
Jackson and Tucker, P.C.  
2229 First Avenue North  
Birmingham, AL 35203-4203

20 Harris L. Pogust  
21 Pogust Braslow & Millrood, LLC  
22 Eight Tower Bridge, Suite 940  
23 161 Washington Street  
24 Conshohocken, PA 19428

25 /s/ Leigh P. Rendé  
26 LEIGH P. RENDÉ  
27 Trial Attorney  
28 United States Department of Justice  
Environment & Natural Resources Division  
Environmental Enforcement Section  
PO Box 7611, Ben Franklin Station  
Washington, DC 20044  
(202) 514-1461 (Rendé)  
leigh.rende@usdoj.gov  
*Attorney for the United States*